



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for March 16, 2011 to Consider Adopting Resolution Setting Residential Meter Installation Charges

MEETING DATE: January 19, 2011

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Set public hearing for March 16, 2011 to consider adopting resolution setting residential meter installation charges.

BACKGROUND INFORMATION: The City Council, on October 20, 2010, approved capping the property owner payment at \$300 for the residential portion of the Water Meter Program. At the same time, the City Council approved a seven-year construction schedule (2011 – 2017); an optional lump-sum payment period from April 1, 2011 through June 30, 2011; a three-year monthly installment payment program beginning July 1, 2011; and a payment assistance program for very low- and low-income property owners.

Proposition 218 requires that notifications be sent to the property owners 45 days prior to the public hearing. The notices will advise the property owners of the \$300 charge per meter and the payment options. A draft version of the notice is provided in Exhibit A. At this time, the charge applies only to single-family detached, duplex, triplex, and fourplex residential properties. These notices will be sent once the public hearing date has been set.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

A handwritten signature in cursive script, reading "F. Wally Sandelin".

F. Wally Sandelin
Public Works Director

FWS/pmf
cc: Steve Mann, Information Systems Manager

APPROVED:

A handwritten signature in cursive script, reading "Konradt Bartlam".

Konradt Bartlam, City Manager

Proposition 218 notification and hearing process

The Lodi City Council will consider a one time proposed water meter installation fee at a public hearing at 7 p.m. Wednesday, March 16, 2011, at the Carnegie Forum, 305 W. Pine St., Lodi.

Proposition 218 requires that the City provide a notice of the proposed fee to all property owners forty-five (45) days prior to holding a public hearing. If a majority of the property owners file oppositions to the infrastructure charge, the infrastructure charge will not take effect. Property owners and renters who pay their water bill may file a written and signed protest against the proposed increases with the City Clerk at or before the close of the public hearing. A protest must contain a description of the property owned sufficient to identify the property (The address or assessor's parcel number is shown on this mailing).

If you own more than one parcel, you may file a single protest but it must identify each parcel you own or rent. If the name on the written protest is not shown on the last equalized assessment roll of San Joaquin County as the owner of the property or on the utility account, the signer of the protest must also submit written evidence of ownership or renter-ship and utility infrastructure charge responsibility.

The City of Lodi proposes to establish a fee and payment schedule to fund the installation of water meters. The Water Meter infrastructure charge is proposed to be set at \$300.00 per meter installation and proposed to be assessed against all single family homes and two, three and four unit residential buildings that are currently separately served. The charge will be due by June 30, 2011. Properties not paying by June 30, 2011 will be automatically enrolled in a thirty-six month installment plan bearing interest at the Local Agency Investment Fund rate as of December 2010 plus 1 percent for a total interest rate of 1.46 percent. Payments would total \$8.52 per month.

Properties that have already paid for a meter will not be charged anything for their meter installation. Properties that installed their own meters will be refunded the difference between their installation costs and \$300.00. If you have questions about the fee or a refund, please call the Public Works Department at 333-6706 between 8 a.m. and 5 p.m., Monday through Friday.

At the public hearing, Council shall hear all protests and tabulate the ballots. One written protest per parcel, filed by the owner or tenant (paying the utility charge) of the parcel shall be counted in calculating a majority protest to a proposed new fee or charge subject to the requirements of Section 6 of Article XIII D of the California Constitution. If the votes conflict, the City will count the no vote.

EXHIBIT A

Written protests may be mailed to:

City of Lodi

Attn: City Clerk

P O. Box 3006

Lodi, CA 95241-1910

Written protests may also be delivered in person to the City Clerk, 221 West Pine Street, Lodi, or at the public hearing.

The rate increases are being proposed in order to recover the cost of providing the meter.

The meter \$300.00 infrastructure charge was established using the latest contract costs for meter purchases.

If you have any questions about this notice, please call the Public Works Department at 333-6706 between 8 a.m. and 5 p.m., Monday through Friday.

RANDI JOHL, City Clerk

City of Lodi



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

**SUBJECT: PUBLIC HEARING TO CONSIDER SETTING RESIDENTIAL METER
INSTALLATION CHARGES**

**PUBLISH DATE: SATURDAY, FEBRUARY 5, 2011
SATURDAY, MARCH 5, 2011**

LEGAL AD

TEAR SHEETS WANTED: One (1) please

**SEND AFFIDAVIT AND BILL TO:
LNS ACCT. #0510052**

RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: TUESDAY, FEBRUARY 1, 2011

**ORDERED BY: RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

Faxed to the Sentinel at 369-1084 at <u>11:08 am</u> (time) on <u>2/1/11</u> (date) <u>5</u> (pages)	
LNS _____	Phoned to confirm receipt of all pages at _____ (time) CF _____ MB _____ JMR (initials)



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

Date: March 16, 2011

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Government Code §54354.5, that on **Wednesday, March 16, 2011**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) Resolution setting residential meter installation charges (as identified on the attached Exhibit A).

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. All interested persons are invited to present their views and comments on this matter. Written protests may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk at, or prior to, the public hearing.

At said hearing, any person interested, including any person owning property in the City, may be heard as to whether said charges are discriminatory or excessive, or will not be sufficient under Government Code Section 54515, or will not comply with the provisions or covenants of any outstanding revenue bonds of the City payable from the revenues of the respective enterprise, or will not comply with the provisions of Title 5, Division 2, Part 1, Chapter 6 "The Revenue Bond Law" of the Government Code, or an any other matter related to the proposed charges or their method of adoption.

By Order of the Lodi City Council:


Randi Johl
City Clerk

Dated: January 19, 2011

Approved as to form:


D. Stephen Schwabauer
City Attorney

RESOLUTION NO. 2011-_____

A RESOLUTION OF THE LODI CITY COUNCIL
SETTING RESIDENTIAL WATER METER
INSTALLATION CHARGES

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WHEREAS, the Council of the City of Lodi finds as follows:

1. The City of Lodi provides water supply service to its citizens;
2. The State has mandated that all water supply services be metered by January 1, 2025;
3. Staff recommends establishment of a fee and payment schedule to fund the installation of water meters;
4. The water meter infrastructure charge is to be set at \$300 per meter installation and is to be assessed against all single-family homes and duplex, triplex and fourplex residential buildings that are currently served;
5. The water meter infrastructure charge will be due on June 30, 2011;
6. Properties not paying by June 30, 2011 will be automatically enrolled in a 36-month installment plan bearing interest at the Local Agency Investment Fund rate as of December 2010 plus one percent, for a total interest rate of 1.46 percent and a payment total of \$8.52 per month;
7. Properties that have already paid for a meter will not be charged anything for their meter installation;
8. Properties that installed their own meters will be refunded the difference between their installation costs and \$300;
9. The Council directed that notice of a hearing thereon be given to the property owners and water service utility customers in the City, with such notice to include, among other matters, the information required to be included pursuant to California law;
10. Pursuant to California Constitution, Article XIII C and Government Code 53755, such notice has been mailed to those property owners and account holders, at least 45 days before the hearing, as evidenced by a Certificate of Mailing on file with the City Clerk;
11. The Council also directed that notice of a hearing thereon be given with such notice to include the information required to be included pursuant to Government Code section 54354.5;
12. Such notice has been published once each week for two weeks, in accordance with Government Code section 54354.5, in the Lodi News-Sentinel as evidenced by Proofs of Publication on file with the City Clerk;

13. On March 16, 2011, the City Council conducted said public hearing, at which time the City Council heard all objections and protests to the proposed residential water meter installation charges;
14. Written protests against the proposed residential water meter installation charges were not presented by a majority of the property owners and water utility customers; and
15. The proposed residential water meter installation charges are not discriminatory or excessive, are sufficient under Government Code section 54515, comply with the provisions or covenants of any outstanding revenue bonds of the City payable from the revenues of the enterprise, comply with the provisions of Title 5, Division 2, Chapter 6 of the Government Code, and are in compliance with all other applicable law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi as follows:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Lew of Charges. Pursuant to Sections 13.08.010, 13.12.240, and 13.16.110 of the Lodi Municipal Code, residential water meter installation charges as attached hereto as Exhibit A are hereby approved.

Section 3. Delinquency/Assessment. Properties not paying by June 30, 2011, will be delinquent and automatically enrolled in a thirty-six month installment plan bearing interest at the Local Agency Investment Rate as of December 2010 plus 1 percent for a total interest rate of 1.46 percent. Payments will total \$8.52 per month. The delinquency shall be secured as a lien on the applicable property as authorized by Government Code Section 54354.

Section 4. Effective Date. This resolution shall take effect from and after the date of its passage.

Dated: March 16, 2011

I hereby certify that Resolution No. 201 ■-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 16, 2011, by the following vote:

AYES: COUNCIL MEMBERS -
NOES: COUNCIL MEMBERS -
ABSENT: COUNCIL MEMBERS -
ABSTAIN: COUNCIL MEMBERS -

RANDI JOHL
City Clerk

2011-____

RESIDENTIAL WATER METER INSTALLATION CHARGES

Water Meter Procurement and Installation Due June 30, 2011	\$300 due by June 30, 2011
36-Month Installment Plan July 1, 2011 – June 30, 2014	\$8.52/month

PS Form 3602-R - Standard Mail - Permit Imprint

Final**Postage Summary**

Permit Holder:	PRESORT CENTER 3806 CORONADO AVE # A STOCKTON Contact: ANGELA (209) 941 - 2467 customer@pre-sort.com	Mailing Agent:	PRESORT CENTER 3806 CORONADO AVE # A STOCKTON Telephone: (209) 941-2467	Org. For Mailing is Prepared:	CITY OF LODI 125 SHUTCHINS ST LODI Telephone: (209) 941-2467
Permit Holder's Permit:	Permit Imprint 269 Price Eligibility: Regular CRID: 5172578	Mailing Agent's Permit:	Permit Imprint 269 CRID: 5172578	Processing Category:	Letters
Post Office Of Mailing:	STOCKTON CA 95213	Mailer Provided Mailing Date:	01/25/2011	Weight of Single Piece:	0.0124 lbs.
Total Pieces:	12,272 pcs.	Total Weight:	152.1728 lbs.	Total Postage:	\$2,037.94
Sequencing Date:	01/20/2011	Address Matching Date - Automation:	01/20/2011	Address Matching Date - Carrier Route:	01/20/2011
No of Containers:	1' MM Trays: 32 2' MM Trays: 11 2' EMM Trays: Flat Trays: Sacks: Pallets: Other:				
Statement Sequence No	12931				
Move Update Method:	NCOALink				

Part A : Automation Letters

Line Number	Entry Discount	Title	Description	Price	Quantity	Postage
A2	None	3-Digit	Letters 3.3 oz (0.2063 lbs) or less	0.251	151 pcs.	\$ 37.9010
A4	None	Mixed AADC	Letters 3.3 oz (0.2063 lbs) or less	0.270	667 pcs.	\$180.0900
A9	DSCF	5-Digit	Letters 3.3 oz (0.2063 lbs) or less	0.190	1760 pcs.	\$334.4000
A10	DSCF	3-Digit	Letters 3.3 oz (0.2063 lbs) or less	0.208	413 pcs.	\$85.9040
A11	DSCF	AADC	Letters 3.3 oz (0.2063 lbs) or less	0.210	78 pcs.	\$ 16.3800
Part A Postage:						\$654.6750

Part B : Nonautomation Letters

Line Number	Entry Discount	Title	Description	Price	Quantity	Postage
B2	None	Mixed AADC	Machinable Letters 3.3 oz (0.2063 lbs) or less	0.273	22 pcs.	\$6.0060
B5	DSCF	AADC	Machinable Letters 3.3 oz (0.2063 lbs) or less	0.213	151 pcs.	\$32.1630
Part B Postage:						\$38.1690

Part C : Carrier Route Letters

Line Number	Entry Discount	Title	Description	Price	Quantity	Postage
C1	None	Saturation	(Automation) Letters 3.3 oz. (0.2063 lbs.) or less	0.182	6 pcs.	\$ 1.0920
c3	None	Basic	(Automation) Letters 3.3 oz. (0.2063 lbs.) or less	0.262	36 pcs.	\$9.4320
c7	DSCF	Saturation	(Automation) Letters 3.3 oz. (0.2063 lbs.) or less	0.139	1239 pcs.	\$172.2210
C8	DSCF	High Density	(Automation) Letters 3.3 oz. (0.2063 lbs.) or less	0.150	7749 pcs.	\$ 1,162.3500
Part C Postage:						\$ 1,345.0950
Total Postage From All Parts:						\$2,037.9390
Affixed Postage:						\$0.00

Certification

The mailer's signature certifies acceptance of liability for and agreement to pay any revenue deficiencies assessed on this mailing, subject to appeal. If an agent signs this form, the agent certifies that he or she is authorized to sign on behalf of the mailer, and that the mailer is bound by the certification and agrees to pay any deficiencies. In addition, agents may be liable for any deficiencies resulting from matters within their responsibility, knowledge, or control.

I hereby certify that all information furnished on this form is accurate, truthful, and complete; that the mail and the supporting documentation comply with all postal standards and that the mailing qualifies for the prices and fees claimed; and that the mailing does not contain any matter prohibited by law or postal regulation.

I understand that anyone who furnishes false or misleading information on this form or who omits information requested on the form may be subject to criminal and/or civil penalties, including fines and imprisonment.

Signature		
Signature of Mailer or Agent	Name of Mailer or Agent	Telephone

Facsimile Form 3602-R

Weight of a Single Piece		Are figures at left adjusted from mailer's entries? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Give Reason
Total Pieces 12,272 pcs.	Total Weight 169.3536 lbs.	Date Mailer Notified
Total Postage \$2,037.94		Contact
Presort Verification: Check One (If Applicable) <input type="checkbox"/> Not Scheduled <input type="checkbox"/> Performed		By (Initials)
I CERTIFY that this mailing has been inspected concerning: (1) eligibility for postage price claimed; (2) Proper preparation (and presort where required); and (3) proper completion of postage statement; and (4) payment of annual fee (if required).		
Verifying Employee's Signature		Verifying Employee's Name
		Round Stamp Required
Optional Procedure No	Location Code 0280A	Mailing Date

Verification	Request Source	Performance Status	Disposition	Performance Type	Performance Percentage	Additional Postage	Cost Avoidance
eMIR cursory review		Not Performed	N/A		N/A		
Weigh Entire Mailing	Mailer declared information is in error or incomplete	Performed	N/A	Weigh Verification Error	100%	N/A	N/A
MERLIN	Verification not requested by system	Not Performed	N/A		N/A		

This mailing has been inspected concerning:
 (1) eligibility for postage prices claimed;
 (2) proper preparation (and presort where required);
 (3) proper completion of postage statement; and
 (4) payment of annual fee (if required).



City of Lodi
Public Works Dept.
P.O. Box 3006
Lodi, CA 95241

PRSRT STD
U.S. Postage
PAID
Stockton, CA
Permit No. 269

Official notice

Important water meter notice inside



January 2011

NOTICE

of Water Meter Installation Fee & Public Hearing Date

Proposition 218 notification and hearing process

The Lodi City Council will consider a one-time proposed water meter installation fee at a public hearing at 7 p.m. Wednesday, March 16, 2011, at the Carnegie Forum, 305 W. Pine St., Lodi.

Proposition 218 requires that the City provide a notice of the proposed fee to all property owners forty-five (45) days prior to holding a public hearing. If a majority of the property owners file oppositions to the infrastructure charge, the infrastructure charge will not take effect.

Property owners may file a written and signed protest against the proposed fee with the City Clerk at or before the close of the public hearing. A protest must contain a description of the property owned sufficient to identify the property (The address or assessor's parcel number is shown on this mailing).

If you own more than one parcel, you may file a single protest but it must identify each parcel you own. If the name on the written protest is not shown on the last equalized assessment roll of San Joaquin County as the owner of the property or on the utility account, the signer of the protest must also submit written evidence of ownership and utility infrastructure charge responsibility.

The City of Lodi proposes to establish a fee and payment schedule to fund the installation of water meters. The Water Meter infrastructure fee is proposed to be set at \$300.00 per meter installation and proposed to be assessed against all single-family homes and two-, three- and four-unit residential buildings that are currently separately served. The fee will be due by June 30, 2011. Properties not paying by June 30, 2011 will be automatically enrolled in a 36-month installment plan bearing interest at the Local Agency Investment Rate as of December 2010 plus 1 percent for a total interest rate of 1.46 percent. Payments would total \$8.52 per month.

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At the public hearing, Council shall hear all protests and tabulate the ballots. One written protest per parcel, filed by the property owner of the parcel shall be counted in calculating a majority protest to the proposed new fee or charge subject to the requirements of Section 6 of Article

XIII D of the California Constitution. If the votes conflict, the City will count the no vote.

Written protests may be mailed to:

City of Lodi
Attn: City Clerk
P O. Box 3006
Lodi, CA 95241-1910

Written protests may also be delivered in person to the City Clerk, 221 West Pine Street, Lodi, or at the public hearing.

The charge is being proposed in order to recover the cost of providing and installing the meter, which is required by the 2004 State law, AB 2572.

The \$300.00 meter infrastructure fee was established using the latest contract costs for meter purchases and installation.

If you have questions about the fee or a refund, please call the Public Works Department at (209) 333-6706 between 8 a.m. and 5 p.m., Monday through Friday.

RANDI JOHL, City Clerk
City of Lodi